

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 894**

Introduced by Langemeier, 23

Read first time January 5, 2006

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to presidential electors; to amend sections  
2 32-710, 32-714, and 32-1038, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to selection and  
4 obligations of presidential electors; and to repeal the  
5 original sections.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-710, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-710 Each political party shall hold a state  
4 postprimary convention biennially on a date to be fixed by the  
5 state central committee but not later than September 1. Candidates  
6 for elective offices may be nominated at such conventions. Such  
7 nominations shall be certified to the Secretary of State by the  
8 chairperson and secretary of the convention. The certificates shall  
9 have the same force and effect as nominations in primary elections.  
10 The convention shall formulate and promulgate a state platform,  
11 select a state central committee, select electors for President  
12 and Vice President of the United States, and transact the business  
13 which is properly before it. ~~One presidential elector shall be~~  
14 ~~chosen from each congressional district, and two presidential~~  
15 ~~electors shall be chosen at large.~~ The officers of the convention  
16 shall certify the names of the electors to the Governor and  
17 Secretary of State.

18           Sec. 2. Section 32-714, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           32-714 The Governor shall provide each presidential  
21 elector with a list of all the electors. If any elector is absent  
22 or if there is a deficiency in the proper number of electors, those  
23 present shall elect from the citizens of the state so many persons  
24 as will supply the deficiency and immediately issue a certificate  
25 of election, signed by those present or a majority of them, to the

1 person or persons so chosen. In case of failure to elect by 3 p.m.  
2 of such day, the Governor shall fill the vacancies by appointment.  
3 After all vacancies are filled, the college of electors shall  
4 proceed with the election of a President of the United States and  
5 a Vice President of the United States and certify their votes in  
6 conformity with the Constitution and laws of the United States.  
7 ~~Each at-large presidential elector shall cast his or her ballot~~  
8 ~~for the presidential and vice-presidential candidates who received~~  
9 ~~the highest number of votes in the state. Each congressional~~  
10 ~~district presidential elector shall cast his or her ballot for~~  
11 ~~the presidential and vice-presidential candidates who received the~~  
12 ~~highest number of votes in his or her congressional district.~~

13           Sec. 3. Section 32-1038, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           32-1038 (1) The board of state canvassers shall authorize  
16 the Secretary of State to open the abstracts of votes from the  
17 various counties and prepare an abstract stating the number of  
18 ballots cast for each office, the names of all the persons voted  
19 for, for what office they respectively received the votes, and  
20 the number of votes each received. The abstract shall be signed  
21 by the members of the board and shall have the seal of the  
22 state affixed by the Secretary of State. The canvass of the votes  
23 for candidates for President and Vice President of the United  
24 States and the return thereof shall be a canvass and return of  
25 the votes cast for the presidential electors of the same party

1 or group of petitioners respectively, and the certificate of  
2 such election made by the Governor shall be in accord with such  
3 return. Receipt by the presidential electors of a party or a group  
4 of petitioners of the highest number of votes statewide shall  
5 constitute election of the two at-large presidential electors of  
6 that party or group of petitioners. Receipt by the presidential  
7 electors of a party or a group of petitioners of the highest number  
8 of votes in a congressional district shall constitute election of  
9 the congressional district presidential elector of that party or  
10 group of petitioners.

11 (2) The board of state canvassers shall determine from  
12 the completed abstract the names of those candidates who have been  
13 nominated or elected. If any two or more persons are returned  
14 with an equal and the highest number of votes, the board of state  
15 canvassers shall decide by lot which of such persons is elected  
16 except for officers elected to the executive branch. The board of  
17 state canvassers shall also declare those measures carried which  
18 have received the required percentage of votes as provided by law.

19 Sec. 4. Original sections 32-710, 32-714, and 32-1038,  
20 Reissue Revised Statutes of Nebraska, are repealed.